IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 343355600028

Group Art Unit:	2173	)	
		)	
Examiner:	M. Roswell	)	
		)	
Inventor:	Sanders et al.	)	**REPLY TO EXAMINER'S**
		)	**ANSWER**
Serial No.:	09/837,047	)	
		)	
Filed:	April 18, 2001	)	
		)	
For:	Graphical User Interface	)	
	Check-List Button Control And Method	)	

Mail Stop Appeal Brief- Patents
Commissioner for Patents
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This reply is submitted in response to the Examiner's Answer mailed September 24, 2007. Any fees due should be charged to Jones Day Deposit Account No. 501432, ref: 343355-600028.

I. Outlook Does Not Disclose

## A Second Control Operating (Or Being Displayed) Within A First Control.

Assignee respectfully disagrees with the Examiner's Answer regarding its characterization of the claim limitations about the second control being configured to operate within the first control. Page 10 of the Answer provides:

> The examiner further wishes to withdraw the arguments of the Office Action dated 30 June 2005 that state, "the language of claim 1 states, 'wherein the second control is configured to be displayed'. The use of this language fails to recited the argued limitation of a second control within a first control." In light of this withdrawal, the examiner maintains and will further clarify the rejection of independent claims 1, 12 and 17, with respect to the limitation of a second control being displayed and operated within a first control.

Page 11 of the Answer provides:

> Appellant states on page 4 that "second control **224** is contained and displayed *within* the first control (emphasis added)". Therefore, by the examiner's reasonable interpretation of the arguments and Figure 2, a second control that is "contained and displayed within the first control" is simply a second control displayed as a result of the manipulation of a first control and in the proximity of that first control. Clearly, Outlook teaches such containing and displaying, as the manipulation of the first controls in the left-most panel of Figure 1 leads to the display in close proximity of the second control data records in the panel to the right.

Assignee respectfully disagrees with the Answer's characterization of figure 2 and of the claims, namely that a second control can be considered to operate within the first control by simply being displayed in the proximity of the first control. Figure 2 of assignee's application clearly shows that the second control 224 is <u>not</u> operating in the *proximity* of the first control 210 but rather is operating *within* the first control 210.
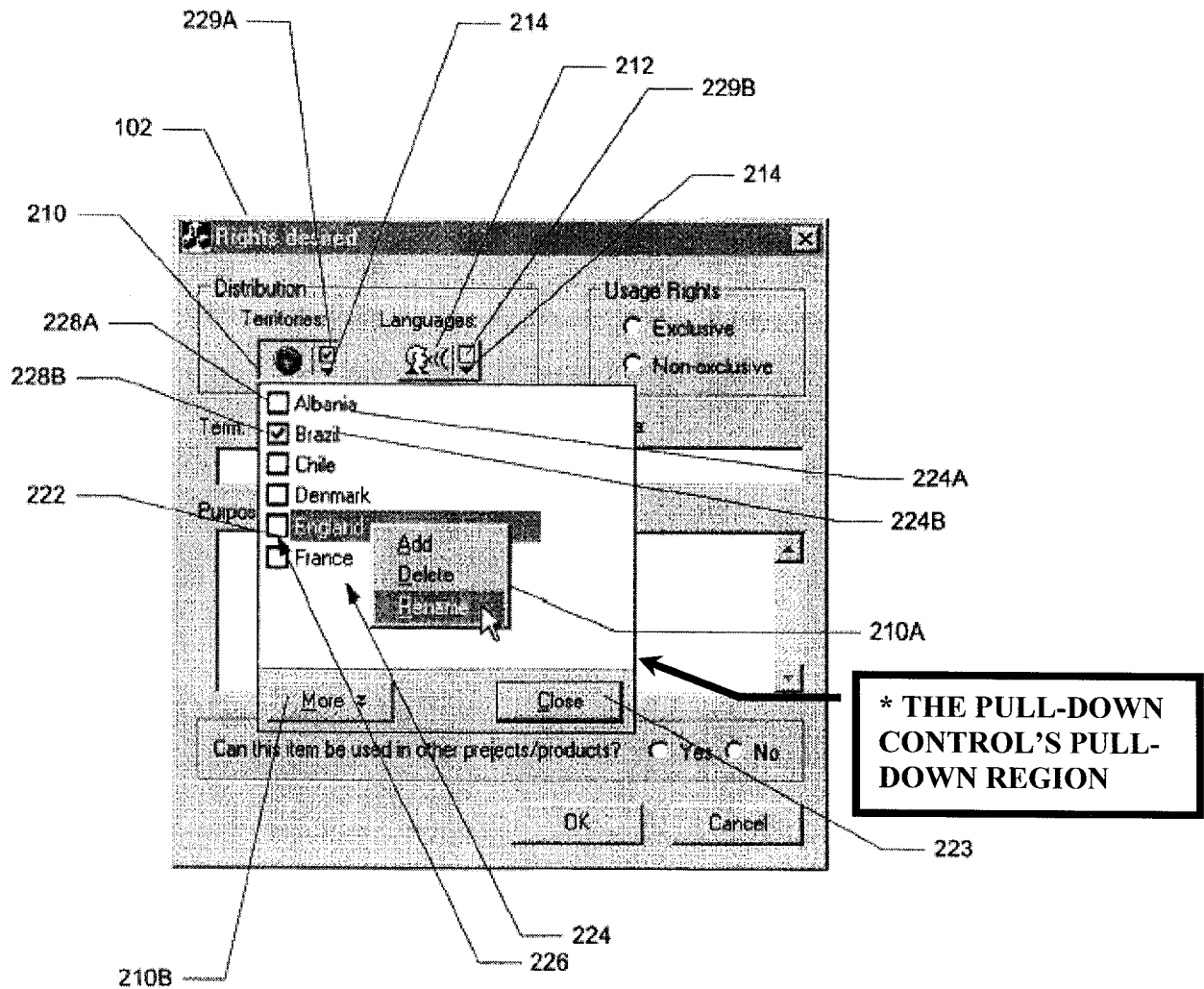
FIG. 2

The first control 210 is a pull-down control that inherently not only includes the immediate icon that indicates that it is a pull-down control, but also the pull-down region that is a part of every pull-down control (or else it would not be a pull-down control). Figure 2 clearly shows that the second type of control (e.g., a series of check boxes) are operating within the first control (e.g., operating within the pull-down region of a pull-down control).

In contrast to the claims and as the Examiner's Answer now admits, the cited Outlook reference teaches that second controls are separate from the first control:

> Clearly, Outlook teaches such containing and displaying, as the manipulation of the first controls in the left-most panel of Figure 1 leads to the display in *close proximity* of the second control data records in the panel to the right. [(Examiner's Answer, page 11; emphasis added.)]

While the second controls in Outlook may be proximate (or closely proximate), they nevertheless are separate and are not operating within the first control as required by the limitations of the pending independent claims.

This has been assignee's consistent position from the beginning, namely that Outlook teaches that the second controls are separate from the first control.

Assignee also maintains that not only do the second controls in Outlook operate separately from the first control, but also are not displayed within the first control. The independent claims specifically recite that the second control is displayed within a first control:
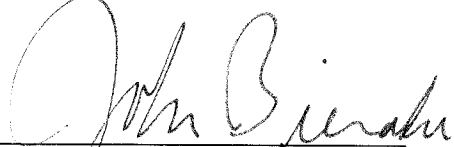
- Claim 1 recites this aspect: "wherein the second control is configured to be *displayed* and to operate *within the first control.*" (emphasis added)

- Claim 12 recites this aspect: "wherein the second control is configured to be *displayed* and to operate *within the first control.*" (emphasis added)

- Claim 17 recites this aspect: "second computer software instructions to generate a second control that is accessible through the first control and that is *displayed within the first control.*" (emphasis added)

With respect to claim 17, it is especially noted that claim 17 recites "... *a second control* that is accessible through the first control and *that is displayed within the first control*" (emphasis added). Accordingly not only do the second controls in Outlook operate separately from the first control, but they also are also not displayed *within* the first control as required by the independent claims. Because Outlook does not disclose such limitations of the claims, the claims are patentable and should be allowed.

II. Conclusions

For the reasons provided in the Brief and in this Reply, assignee respectfully submits that the pending claims are allowable over the cited references and that the claims be allowed.

Respectfully submitted,

By:_____

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